

## Record of Decisions

**MEETING #15: January 15-16, 2019  
Radisson Vancouver Airport Hotel  
Richmond, BC**

### **DAY 1: TUESDAY, JANUARY 15, 2019**

#### **ITEM: WELCOME, OVERVIEW & OPENING PRAYER**

##### **Discussion:**

- Carleen Thomas opened the meeting with a prayer for the Committee.
- The Committee was introduced to the new member for Environment and Climate Change Canada: Saul Schneider, Regional Director, Environmental Protection

##### **Decisions:**

- The proposed draft agenda was adopted by the Committee.
- The Record of Decision from November 28-29, 2018 was approved with no amendments.

#### **ITEM: REPORT FROM INDIGENOUS CAUCUS MEETING: JANUARY 14, 2019**

##### **Discussion:**

- The Indigenous Caucus is working with JFK Law to draft a list of topics of interest to the Caucus for discussion during the Committee review of the Terms of Reference (TOR).
- The draft conditions released by NEB include a recommendation that the Governor in Council (GIC) engage with the IAMC on marine safety, including inspections and enforcement, and other marine shipping activities.
- The Indigenous Caucus plans to send a letter to government and Trans Mountain encouraging the proponent to be open to re-negotiating or negotiating Mutual Benefit Agreements (MBAs) with Nations who wish to do so.
- The Indigenous Caucus has completed selection processes for nine of the 13 seats. Work continues on selection for the other four seats.

##### **Action Item:**

- JFK Law to provide the Committee with a final report on the Indigenous Caucus selection process.

#### **ITEM: EMERGENCY MANAGEMENT WORKING GROUP (EMWG) WORKPLAN**

##### **Discussion:**

- The Committee reviewed a draft workplan to address committee priorities related to Emergency Management:
  - Identifying opportunities for greater Indigenous inclusion in Emergency management
  - Improving Indigenous Emergency Preparedness and “all-Hazards” approach to Emergency Response, and focus on enhancing long term capacities
- Given the complexities and scope of possible work related to EM, the EMWG focused on concrete pilot projects that could be launched in the near term to:
  - increase Indigenous participation in EM planning and exercises;
  - enable the Committee to explore issues and engage with communities, TMC and regulators;

- inform policy advice.
- Committee members discussed a series of relevant issues related to:
  - Regional capacity, interest and engagement
  - Jurisdiction, roles, mandates, and funding
  - TMC policies and plans
  - Indigenous involvement on-reserve and within larger traditional territories
  - Emergency response exercises
  - Funding for training and response capacity
  - Community notification
  - Liability, insurance, and policies related to compensation
  - Cultural training for responders and ICS participants
  - Status of work on geographic and area response plans (gaps in marine and Jasper National Park)
  - Opportunity to discuss how jurisdictions (Indigenous and non-Indigenous) can work together in ways that create synergy and remove barriers.
- Committee members recognized that EM is a complex area with many players, and the workplan cannot accomplish everything at once. However, the Committee would like to see that the workplan considers all relevant regulators and geographic regions.

**Decision:**

- The Committee asked the EMWG to discuss the proposed pilot projects and governance options with the Indigenous Monitoring and Marine Shipping Subcommittees, and return to an upcoming meeting with a revised workplan.

**ITEM: DISCUSSION FORUM**

**Discussion:**

- The Discussion Forum was developed as part of the Indigenous Monitoring Framework to address monitoring-related issues outside of the compliance verification process which arise during monitoring and would benefit from discussion between representatives from IAMC, TMC, NEB, and other government regulators.
- The Committee reviewed the draft list of issues to be raised:
  - Request for greater involvement of Indigenous Nations leading up to, and during, emergency response activities, including having training requirements clearly communicated and opportunities for the required training available
  - Questions regarding the collection of baseline environmental data and its inclusion on maps used for emergency response activities
  - Outstanding concerns regarding the use of spawning deterrents, including explanations to near-by communities prior to future use.
  - Questions regarding the source of construction materials and related whirling disease concerns.
  - Desire for an enhanced chance find procedure.
- The first Discussion Forum will be held in February 2019. The secretariat will track issues raised and their resolution.
- Committee members noted that the format is flexible, with the idea of eventually expanding to include other topics for discussion with Trans Mountain Corporation and other partners.

**Decision:**

- The Committee approved the draft list of issues for the first Discussion Forum.

**Action Item:**

- The Co-Chairs will provide a report from the first Discussion Forum at the February IAMC meeting.

#### **ITEM: SOCIOECONOMIC SUBCOMMITTEE UPDATE**

##### **Discussion:**

- The Socioeconomic Subcommittee (SESC) presented progress on their workplan, including:
  - Launching a labour market demand study of the pipeline corridor
  - Learning about best practices and existing initiatives through engagement with national and regional Indigenous economic development groups including CANDO, Canadian Council for Aboriginal Business (CCAB), Community Futures, Working Warriors, and the National Indigenous Economic Development Board (NIEDB).
  - Confirming a project partner for the Work Camps study with the Firelight Group
  - Inviting TMC to regularly attend subcommittee meetings
- The Committee heard presentations about the Labour Market Demand Study (Castlemain Group) and Work Camps Study (Firelight Group).
- The Indigenous members of the SESC presented a proposal to engage up to four Indigenous subject matter experts to review the NEB conditions related to business, employment, and training, propose changes to improve Indigenous outcomes, and provide the report to the Indigenous Caucus for their consideration, as the Caucus provides advice during the reconsideration phase.
  - Brian Chambers, the NEB member, recused himself from discussion on this proposal.

##### **Decision:**

- The Committee approved the Indigenous Caucus to proceed with review of the economic conditions.

#### **ITEM: COMMUNITY ENGAGEMENT PILOT PROJECTS**

##### **Discussion:**

- Three community engagement projects were initiated in the fall of 2018: Alberta and Burrard/Lower Fraser led by the IAMC, and Sto:lo communities led by the Sto:lo Tribal Council.
- To-date, the Engagement Coordinators for Alberta and Burrard/Lower Fraser have focused on orientation, workplanning, and initial outreach to communities, however it was noted that not all communities are responsive, and scheduling face-to-face meetings has been difficult.
- There are both Tier 1 and Tier 2 components to the Engagement Coordinator workplans. Tier 1 components will be reviewed by the IAMC member for that region, and Tier 2 components will be reviewed by the Engagement Subcommittee. The Committee requested regular updates on workplans and engagement activities.
- There was a suggestion to draft a letter that Engagement Coordinators can use as an introduction to communities.

#### **ITEM: COMMUNICATIONS**

##### **Discussion:**

- The communications team presented a first look at the new IAMC website, planned for launch in February 2019.

##### **Action Item:**

- The communications team to provide all members with their log in information and be available for website training/support

**DAY ONE ADJOURNED**

## DAY 2: JANUARY 16, 2019

### ITEM: WELCOME & OPENING PRAYER

#### Discussion:

- Carleen Thomas opened the meeting with a prayer for the Committee.

### ITEM: COMMITTEE OPERATIONS – CALENDAR

#### Decisions:

- The Committee approved that the next IAMC meeting would be held on February 25 (Full day Indigenous Caucus meeting) and February 26 (One day Committee meeting), and the rest of the 2019-2020 schedule was approved as proposed, subject to change if major conflicts arise.

### ITEM: COMMITTEE OPERATIONS – PROJECT PROPOSAL: LAC STE ANNE COMMUNITY ECONOMIC DEVELOPMENT (CED)

#### Discussion:

- Tracy Friedel, Lac Ste. Anne, recused herself from the discussions.
- The intent of this project is to enhance the community's internal capacity for CED over a four year period in order to increase opportunities to participate in economic opportunities related to the TMX project.
- At the October 2018 IAMC meeting, the Committee reviewed the proposal and raised questions regarding long-term IAMC funding amidst TMX project uncertainty, and concerns regarding additional training and certifications that may be required for opportunities in oil and gas sectors, that were not reflected in the proposal. The Committee recommended the Economic Development Working Group (EDWG) review the proposal and provide suggestions to the LSAMCA.
- LSAMCA worked with the EDWG to revise the proposal.

**Decision:** The Committee approved the proposal with no further amendments.

### ITEM: COMMITTEE OPERATIONS – BC JOINT GATHERING PARTICIPATION

**Decision:** The Committee approved that the IAMC would support attendance for all interested BC Indigenous Caucus members at the joint gathering. Attendees are expected to spend some time at the IAMC-TMX booth answering questions and engaging with community members.

### ITEM: COMMITTEE OPERATIONS – BUDGET BRIEFING

#### Discussion:

- The reprofile request from the first year of Committee operations has been approved and will be available for use in fiscal year 2020-2021 and beyond.
- Due to the unforeseen circumstances of the Federal Court of Appeal decision, including project uncertainty, capacity for communities to engage with the IAMC, and their interest in executing projects, spending for fiscal year 2018-2019 is less than planned.

#### Action Item:

- The secretariat to prepare a reprofile request to allow unspent funds to be used in future years.

### ITEM: BEECHER BAY PROJECT PROPOSAL & MARINE STEWARDSHIP PILOT CONCEPT

#### Discussion:

- The Committee discussed the potential for a community proposal from Beecher Bay to become a pilot project for a broader marine stewardship program.

- The proposal aligns with early conceptions of a pilot project, however, Committee members had questions about the following:
  - Timing of initiating a pilot, given the ongoing consultations and NEB reconsideration
  - Jurisdiction, roles, and responsibilities in the marine context
  - Engagement with communities in the region
  - Connections between marine stewardship and emergency response and ICS
  - Other available funding, such as through OPP
  - The role of government departments and regulators
  - Connections to other community proposals in the marine regions

**Action Item:**

- The Marine Shipping Subcommittee to discuss at its January 30<sup>th</sup> meeting to determine next steps to advance the proposal in the context of the pilot.

**ITEM: TERMS OF REFERENCE REVIEW – WHEN & HOW TO START**

**Discussion:**

- The IAMC Terms of Reference (TOR) stipulates that the Committee will complete a review of the TOR annually during the construction phase.
- The Indigenous Caucus started drafting a list of topics for discussion in the review. Once complete, the list will be shared with the whole Committee for discussion.
- Indigenous Caucus members recognized the need to get input from the communities in their regions.
- Committee members noted that outcomes of the NEB Reconsideration and Phase 3 Consultations may influence thinking about the TOR and consideration will need to be given to the timeline for the review.
- The Chiefs on the Committee noted it would be valuable for IAMC leadership to meet with Minister Sohi about the important work of the Committee and Indigenous Caucus.

**Action Item:**

- The Co-chairs to request a meeting with Minister Sohi on behalf of the Chiefs on the Committee

**ITEM: SECURITY FOR IAMC**

**Discussion:**

- The Committee discussed the importance of security planning in order to keep members, staff, community members, and other guests safe during Committee activities.
- The Committee also recognized the importance of being open to community input and views, and of transparency and freedom of expression.
- Members expressed support for the work currently being done with the RCMP on an arrangement to evaluate and support the Committee's needs.

MEETING ADJOURNED

## **PARTICIPANTS**

<p><b><u>IAMC-TMX Members:</u></b></p> <ul style="list-style-type: none"><li>• Chief Ernie Crey (Fraser Valley)</li><li>• Chief Marcel Shackelly (Mid-Fraser/Thompson)</li><li>• Chief Harvey McLeod (Okanagan)</li><li>• Michelle Wilsdon (Alberta First Nations)</li><li>• Carleen Thomas (Burrard Inlet/Lower Fraser) (by phone)</li><li>• Raymond Cardinal (Alberta First Nations)</li><li>• Norine Saddleback (Alberta First Nations)</li><li>• Tracy Friedel (Alberta Métis)</li><li>• Kristine Pearson (Vancouver Island – Western Approach) (Partial day, by phone)</li> <li>• Naina Sloan (Natural Resources Canada)</li><li>• Brian Chambers (National Energy Board)</li><li>• Ian Chatwell (Transport Canada) (Day 1)</li><li>• Matthew Payne (Transport Canada) (Day 2)</li><li>• David Heap (Canadian Coast Guard) (Day 1)</li><li>• Lindsay Funk (Canadian Coast Guard) (Day 2)</li><li>• Saul Schneider (Environment and Climate Change Canada) (Day 1)</li><li>• Garth Mullins (Environment and Climate Change Canada, alternate for Barry Jeffrey)</li></ul> <p><b><u>Invited Guests:</u></b></p> <ul style="list-style-type: none"><li>• Jessica Dickson, Castlemain Group (Day 1)</li><li>• Ginger Gibson, Firelight Group (Day 1, by phone)</li></ul> <p><b><u>Observers:</u></b></p> <ul style="list-style-type: none"><li>• Bill Adsit, Socio-Economic Subcommittee</li><li>• Chief Andy Phillips, Sto:lo Tribal Council</li><li>• Chief Tyrone McNeil, Sto:lo Tribal Council</li><li>• Colin Pennier, Sto:lo Tribal Council</li><li>• Erin Hanson, Tsleil-Waututh Nation</li></ul>	<p><b><u>Support:</u></b></p> <ul style="list-style-type: none"><li>• Cathy Chalupa (IAMC Secretariat)</li><li>• Bernée Bolton (IAMC Secretariat)</li><li>• Jacquie Béasse (IAMC Secretariat)</li><li>• Debora Stone (IAMC Secretariat)</li><li>• Sandia Wu (IAMC Secretariat)</li><li>• Twyla Smith (IAMC Secretariat)</li><li>• Anthony Cotter (IAMC Secretariat)</li><li>• Morgan Braglewicz (IAMC Secretariat)</li><li>• Christina Coolidge (Regional Engagement Coordinator)</li></ul> <p><b><u>Indigenous Caucus Staff:</u></b></p> <ul style="list-style-type: none"><li>• Kyle Robertson (Technical Advisor)</li><li>• Walter Quinlan (Communications Manager)</li></ul> <p><b><u>Other Participants:</u></b></p> <ul style="list-style-type: none"><li>• Keerit Jutla (JFK Law)</li><li>• Tim Dickson (JFK Law)</li></ul>
<p><b><u>Regrets:</u></b></p> <ul style="list-style-type: none"><li>• George Lampreau (BC Interior)</li><li>• Caitlin Kenny (Vancouver Island – South)</li><li>• Chief Russell Chipps (Vancouver Island – Southeastern)</li><li>• Cheryl Webb (Fisheries and Oceans Canada)</li></ul>	